

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

PATRICIA MAESTAS, as
Personal Representative of the
ESTATE OF ALFRED REDWINE,
et al.,
Plaintiffs,

vs.

Civ. No. 15-0053 MCA/KK

THE CITY OF ALBUQUERQUE, *et al.*,
Defendants.

MEMORANDUM OPINION AND ORDER

This case is before the Court upon Defendant City of Albuquerque's *Motion for Summary Judgment* [Doc. 60]. The Court has considered the motion, Plaintiff's response, the record in this case, and the applicable law, and is otherwise fully advised.

On September 30, 2015, the Court entered orders dismissing Plaintiff's federal claims against Defendants James Eichel and Arturo Sanchez. Under established Tenth Circuit precedent, the dismissal of Plaintiff's claims against the individual defendants precludes Plaintiff from establishing a constitutional municipal liability claim against their employer, the City of Albuquerque. *Trigalet v. City of Tulsa*, 239 F.3d 1150 (10th Cir. 2001). With commendable candor, Plaintiff concedes that "[t]he Court's dismissal of the constitutional claims against Lieutenant Sanchez and Officer Eichel obviates any possibility that the City, as municipal Defendant, is subject to liability for failure to

supervise based on 42 U.S.C. [§]1983.” [Doc. 64 at 2 (citation omitted)]. Given the current state of the law, the Court is constrained to accept Plaintiff’s concession and to grant Defendant’s motion.

WHEREFORE, IT HEREBY IS ORDERED that Defendant City of Albuquerque’s *Motion for Summary Judgment* [Doc. 60] is **granted** as to Plaintiff’s *Monell* municipal liability claims.

So ordered this 4th day of January 2016.

A handwritten signature in dark ink, appearing to read "M. Christina Armijo", is written over a horizontal line.

M. CHRISTINA ARMIJO
Chief United States District Judge